



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

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CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.23929 of 2016

K.Thangasamy

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3. The Executive Officer,
Anjamadai Kachan Village,
Paramakudi Taluk,
Ramanathapuram District.

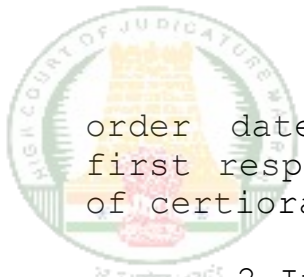
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the proceedings of the first respondent herein in Pa.Mu.B5/9032/2014, dated 26.04.2015 and quash the same.

For Petitioner	: Mr.N.Subramani
For Respondents 1 and 2	: Mr.M.Govindan, Special Government Pleader
For Respondent No.3	: Mr.A.Muthukaruppan, Additional Government Pleader

ORDER

[Order of the Court was made by A.SELVAM, J.]



order dated 26.04.2015 passed in No.Pa.Mu.B5/9032/2014 by the first respondent and quash the same by way of issuance of a writ of certiorari.

2.It is averred in the petition that the first respondent viz., District Collector, Ramanathapuram District has passed the impugned order dated 26.04.2015, wherein it has been stated to the effect that Survey No.177/1, Anjamadai Kachan Village, Paramakudi Taluk, is nothing, but Ayyanar Kovil Oorani. Further it is averred in the petition that the petitioner has been enjoying Survey No.177/1 from time immemorial and for getting patta some judicial proceedings are pending. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader has taken notice for the third respondent.

4.The learned counsel appearing for the petitioner has contended that Survey No.177/1 has been erroneously classified as a tank and the petitioner has been enjoying the same from time immemorial and the first respondent without considering his long and continuous possession, has erroneously passed the impugned order and therefore the same is liable to be quashed.

5.The learned Special Government Pleader appearing for the respondents 1 and 2 has contended that Survey No.177/1 has been classified as Ayyanar Kovil tank and under the said circumstances and also as per order passed in W.P(MD)No.16172 of 2013, dated 23.07.2014, the first respondent has passed the impugned order and the same is not liable to be quashed.

6.It is seen from the impugned order that Survey No.177/1, Anjamadai kachan Village has been classified as Ayyanar Kovil tank. Further it is seen from the records that in W.P(MD)No.16172 of 2013, this Court has directed to issue proper notice to alleged encroachers and conduct enquiry. The concerned Village Panchayat has also given a report to the effect that Survey No.177/1 has been classified as Ayyanar Kovil tank. Therefore it is quite clear that Survey No.177/1 is nothing, but Ayyanar Kovil tank.

7.Even though on the side of the petitioner it is contended to the effect that he has been in possession and enjoyment of Survey No.177/1 for so many years for the purpose of proving his alleged title and also alleged possession, no document has been filed. Since no document has been filed with regard to alleged possession, in the interest of the petitioner in Survey No.177/1, it is needless to say that the order passed by the first respondent is perfectly correct and the same need not be quashed and therefore



the present writ petition deserves to be dismissed.

8. In fine, this writ petition is dismissed without costs.

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Sd/-
Deputy Registrar (J)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
3. The Executive Officer,
Anjamadai Kachan Village,
Paramakudi Taluk,
Ramanathapuram District.

+ 1 CC TO Mr.N.SUBRAMANI, ADVOCATE IN SR No. 80696
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80897

SMN

TE/SKN : 27/12/2016 : 3P/6C

ORDER MADE IN
W.P (MD) No.23929 of 2016
14.12.2016